

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JOHN T. NIX

PLAINTIFF

v.

Case No. 6:19-cv-06014

DR. N. VOWELL, Correct Care Solutions,
Ouachita River Correctional Unit, *et al.*

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed on April 1, 2019, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. ECF No. 14. Judge Ford recommends that all of Plaintiff's claims that arose prior to February 5, 2016, be dismissed with prejudice pursuant to the applicable statute of limitations. Judge Ford likewise recommends that Plaintiff's official capacity claim against Defendant Dr. Jon Allen be dismissed with prejudice because it is equivalent to a claim against his employer, University of Arkansas for Medical Sciences ("UAMS"). UAMS is a state entity not subject to suit under 42 U.S.C. § 1983. The parties have not filed objections to the Report and Recommendation and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts Judge Ford's Report and Recommendation *in toto*. Accordingly, Plaintiff's claims which arose prior to February 5, 2016, and his official capacity claim against Defendant Allen are hereby **DISMISSED WITH PREJUDICE**. All other claims shall remain for further consideration.

IT IS SO ORDERED, this 19th day of April, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge